

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

Plaintiff,

Case No. 09-CR-043-SPF

v.

LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY

Defendants

SPRINGER'S MOTION TO FILE OVER LENGTH REPLY

Lindsey Kent Springer (“Springer”) moves the United States Judicial District Court for Oklahoma’s Northern Judicial District for an order to allow for the submission of an over length reply.

Although the Local Rules of Criminal Procedure do not specifically set lengths for replies, to avoid unwarranted debate on any further submission by Springer, Springer submits that Local Civil Rule 7.2(c) (“LCvR”) requires briefs exceeding 25 pages to be proceeded by a Motion for Leave to File identifying the number of pages. LCvR 7.2(h) requires “replies” to be within 10 pages “unless authorized by the Court.”

Springer’s Reply has been scaled down to barely over 24 pages (not including certificate of service) covering 9 main issues directly with 9 sub issues respectively thereunder. The average page per issue divided by 18 then is apprx. 1.4 pages on each subject of each issue.

Because it is not apparent whether “where appropriate” in LCrR 1.2 applies to “Replies” to Motions for New Trial in a offense case, and with the confusion related to whether LCvR 7.2(c)

“Length of Brief” or 7.2(h) “Reply and Supplemental Briefs” governs “Replies” in this offense case, Springer chooses to seek authorization to file his “Reply” “1 day” or more prior to Springer’s 14 day period.¹ The Reply on Springer’s Motion for New Trial is due on January 21, 2010.

Therefore, Lindsey Kent Springer requests an order granting him leave to file a 25 page Reply that is properly indexed according to LCvR 7.2(c) regarding his Motion for New Trial.

Respectfully Submitted
/s/ Lindsey K. Springer
Lindsey K. Springer

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¹Springer determined that since the prosecuting team continues to march the theory civil rules apply in a criminal case unilaterally, without any local rule giving the public notice of any such application, and instead of “where appropriate,” Springer determined that a “Reply” would normally be due under that theory within 14 days from January 7, 2010. See Doc. 276

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Lindsey Kent Springer's Reply Regarding Motion for New Trial was ecf'd on January 19, 2010 to:

Kenneth P. Snoke,
Charles O'Reilly,
Oscar Stilley

/s/ Lindsey K. Springer
Signature